

Chapter 57. Appeals.

8 AAC 57 section titles are amended to read:

Section

10. Appeals to the Workers' Compensation Appeals Commission
20. Parties to an [THE] appeal
30. Intervention and request for ruling by the director
40. Filing and service of documents
50. Facsimile transmission or electronic mail filing and service
60. Time computation
- 65. Representation of parties to an appeal**
70. Notice [FILING A NOTICE] of appeal
72. Repealed. [TIMING OF MOTION FOR EXTRAORDINARY REVIEW.]
74. Repealed. [MOTIONS AND CONSIDERATION OF EXTRAORDINARY REVIEW.]
76. Repealed. [COMMISSION CONSIDERATION OF MOTION FOR EXTRAORDINARY REVIEW.]
80. Panel to hear an appeal
90. Requests for e[E]xemption from payment of filing fee and transcript costs [– DETERMINATION OF INDIGENCY]
100. Applications [APPLICATION] for stay of compensation order payments
110. Record on appeal
120. Transcript
130. Briefing schedule [AND FILING]
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150. Content and form of briefs and memoranda
160. Amicus brief
170. Preparation of [DUTY TO PREPARE] excerpts of record
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- 235. Commission clerk**
240. Dismissal of appeals [CASES]
250. Dismissal of appeals for failure to prosecute or on settlement
260. Motions [MOTION] for attorney fees and costs
270. Relaxation of rules
990. Definitions

8 AAC 57.010 is repealed and readopted to read:

8 AAC 57.010. Appeals to the Workers' Compensation Appeals Commission.

The provisions in this chapter, 8 AAC 57.010 – 8 AAC 57.990, apply to appeals of final decisions and orders of the board to the commission, as provided in AS 23.30.125 –

AS 23.30.128. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.007 AS 23.30.125 AS 23.30.128
AS 23.30.008 AS 23.30.127

8 AAC 57.020 is repealed and readopted to read:

8 AAC 57.020. Parties to an appeal. (a) All individuals or entities that were parties in proceedings that resulted in issuance of a final decision or order of the board are parties to an appeal of that decision or order to the commission.

(b) The party filing an appeal is the appellant.

(c) If the director files an appeal, as provided in AS 23.30.127(a) and 8 AAC 57.030(a)(2), the director is the appellant.

(d) All other parties to an appeal are appellees, regardless of their status in proceedings before the board.

(e) If the director intervenes in an appeal, as provided in AS 23.30.127(a) and 8 AAC 57.030(a)(1), the director is an appellee.

(f) An appellee may choose at any time not to participate in an appeal by filing a notice of nonparticipation. Any decision or order issued in an appeal may apply to a

nonparticipating appellee, including an order awarding attorney fees and costs to a successful party, as provided in AS 23.30.008(d) and 8 AAC.57.260.

(g) If an individual who is a party to an appeal dies or is adjudged incompetent, the duly-appointed legal representative of that deceased or incompetent individual may be substituted for that individual as a party to an appeal by filing a notice of substitution and copies of documents demonstrating appointment as legal representative. (Eff.

12/5/2005, Register 176; am 4/21/2006, Register 178; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.030 is repealed and readopted to read:

8 AAC 57.030. Intervention and request for ruling by the director. (a) The director may

(1) intervene in an appeal; or

(2) file an appeal requesting a ruling if a party in interest to a compensation order is not represented by an attorney and the compensation order concerns an unsettled question of law.

(b) If the director intervenes in or files an appeal, as provided in (a) of this section, the other parties to that appeal shall serve all documents filed with the commission on the director, as provided in 8 AAC 57.040(b) or 8 AAC 57.050(c). (Eff.

12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.040 is repealed and readopted to read:

8 AAC 57.040. Filing and service of documents. (a) Filing is the procedure whereby a party submits documents to the commission for its consideration in an appeal.

Each document a party files with the commission must

(1) be signed and dated by the party or the party's attorney filing it; and

(2) be hand-delivered, sent by first class mail, or transmitted as provided in

8 AAC 57.050(a).

(b) Service is the procedure whereby a party provides copies of documents filed with the commission to the other parties to an appeal. A copy of each document a party files with the commission must

(1) be served on each of the other parties except an appellee that has filed a notice of nonparticipation, as provided in 8 AAC 57.020(f); and

(2) be hand-delivered, sent by first class mail, or transmitted as provided in 8 AAC 57.050(c).

(c) A document is considered filed or served on receipt unless received on a Saturday, Sunday, legal holiday, or after 5:00 p.m. Alaska time, in which event the document is considered filed or served on the next day which is not a Saturday, Sunday, or legal holiday.

(d) The appellant shall also serve a copy of the notice of appeal on the director as provided in 8 AAC 57.070(b)(3).

(e) Service on a party represented by an attorney must be on the attorney.

(f) Service by hand-delivery under (b)(2) of this section is accomplished by

(1) handing the document to a party or to a party's attorney; or

(2) leaving the document at a party's residence or at the attorney's office

with an individual of suitable age and discretion who occupies the residence or is employed at the office.

(g) Proof of service is the procedure whereby a party serving copies of documents on the other parties confirms that the documents were served. Proof of service for each document served by a party must

(1) be shown in writing at the end of the document or in a separate document;

(2) identify the document or documents being served;

(3) state the name and address of each party being served;

(4) state the date and method of service;

(5) state the name and contain the signature of the person serving the document; and

(6) be filed simultaneously with the document or documents being filed with the commission if proof of service is in a separate document. (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.128

8 AAC 57.050 is repealed and readopted to read:

8 AAC 57.050. Facsimile transmission or electronic mail filing and service.

(a) A party may file a document with the commission by facsimile transmission or electronic mail if the document is 50 pages or less in length and

(1) if the document filed by facsimile transmission or electronic mail is an affidavit, the affidavit bearing the original signature of the affiant is hand-delivered or sent by first class mail to the commission the same day the affidavit is transmitted to the commission by facsimile transmission or electronic mail;

(2) any document filed by electronic mail is attached in portable document format to an electronic mail message that contains only the title of the document and the addresses of the sender and the recipient; and

(3) on request by the chair, the document bearing the original signature of the party is hand-delivered or sent by first class mail to the commission.

(b) Filing of a document by

(1) facsimile transmission is considered complete on receipt of the entire document by the commission's facsimile machine; or

(2) electronic mail is considered complete on receipt of the entire document at the commission's electronic mail address.

(c) A party may serve a document on another party by facsimile transmission or electronic mail if the party being served has filed with the commission and served on the other parties a notice of consent to service by

(1) facsimile transmission, including the recipient's facsimile number; or

(2) electronic mail, including the recipient's electronic mail address.

(d) Service of a document by

(1) facsimile transmission is considered complete on receipt of the entire document by the recipient's facsimile machine; or

(2) electronic mail is considered complete on receipt of the entire document at the recipient's electronic mail address. (Eff. 12/5/2005, Register 176; am
___/___/___, Register ___)

Authority: AS 23.30.008 AS 23.30.128

Editor's note: The commission's office is located at 1016 W. 6th Ave., Suite 405, Anchorage, Alaska 99501. The commission's telephone number is (907) 269-6738; the commission's facsimile number is (907) 269-6737; and the commission's website is located at: www.labor.alaska.gov/WCcomm/home.htm.

8 AAC 57.060 is repealed and readopted to read:

8 AAC 57.060. Time computation. (a) In computing any time period specified in AS 23.30.125 – AS 23.30.128, in this chapter, or in an order of the chair or commission,

(1) the day of the act, event, or default from which the designated time period begins to run is excluded;

(2) the last day of the time period is included, unless it is a Saturday, Sunday, or legal holiday, in which event the designated time period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday; and

(3) if the designated time period is less than seven days, intermediate Saturdays, Sundays, and legal holidays are excluded.

(b) A party may request an extension of time by filing a motion, as provided in 8 AAC 57.140. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.009 AS 23.30.127

8 AAC 57 is amended by adding a new section to read:

8 AAC 57.065. Representation of parties to an appeal. (a) In an appeal,

(1) a corporation must be represented by an attorney admitted to practice law in the State of Alaska or permitted to appear under the Alaska Rules of Court;

(2) a partnership or other unincorporated association must be represented as provided by law; or

(3) an individual or sole proprietorship may be self-represented or represented by an attorney admitted to practice law in the State of Alaska or permitted to appear under the Alaska Rules of Court.

(b) Whenever a provision in this chapter refers to a party, appellant, or appellee, and that party, appellant, or appellee, is represented by an attorney, unless the context indicates otherwise, the provision refers to the attorney.

(c) If, under (a) of this section, a party required to be represented by an attorney is not, the chair shall issue a written notice to the party that the party is required to be represented by an attorney and that the appeal may be dismissed or the party may be prohibited from participating in the appeal if the party fails to take appropriate corrective action within 20 days of receipt of the notice. (Eff. __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.070 is repealed and readopted to read:

8 AAC 57.070. Notice of appeal. (a) The appellant shall begin an appeal by filing a notice of appeal, as provided in AS 23.30.127(a) and (b).

(b) The notice of appeal must

- (1) specify the board decision or order appealed from;
- (2) state the grounds for the appeal; and
- (3) be served on the director, as provided in 8 AAC 57.040(d), in addition

to the other parties, unless the director is the appellant.

(c) At the same time the notice of appeal is filed, the appellant shall also file

(1) a list of the name, and if known, current mailing address, and telephone and facsimile numbers of each party to the appeal; and

(2) a list of the name, and if known, current mailing address, and telephone and facsimile numbers of each attorney known to be representing a party to the appeal.

(d) Unless the appellant is the state or a political subdivision of the state, at the same time the notice of appeal is filed, the appellant shall

(1) pay a filing fee of \$50, payable by money order, or by business, certified, or cashier's check; or

(2) file a motion for exemption from payment of the filing fee or transcript costs and a completed *Financial Statement Affidavit*, as provided in 8 AAC 57.090.

(e) Any appellee may begin a cross-appeal by filing a notice of cross-appeal in the original appeal, as provided in AS 23.30.127(c).

(f) Within 10 days of service of the notice of appeal and the documents specified under (a) – (c) of this section, the appellees may file supplemental or responsive documents, including

(1) entries of appearance; or

(2) notices of consent to service by facsimile transmission or by electronic mail, as provided in 8 AAC 57.050(c). (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; am __/__/__, Register __)

Authority: AS 23.30.007 AS 23.30.008 AS 23.30.127

8 AAC 57.072 is repealed.

8 AAC 57.072. Timing of motions for extraordinary review. Repealed. (Eff. 12/5/2005, register 176; repealed __/__/__, Register __) [(A) A MOTION FOR EXTRAORDINARY REVIEW OF AN INTERLOCUTORY OR OTHER NON-FINAL BOARD DECISION OR ORDER MUST BE FILED WITH THE COMMISSION

(1) WITHIN 10 DAYS AFTER THE DATE OF SERVICE OF THE BOARD ORDER OR DECISION FROM WHICH REVIEW IS SOUGHT; AND

(2) BEFORE THE FILING OF A TIMELY MOTION FOR RECONSIDERATION OF THE BOARD ORDER OR DECISION FROM WHICH REVIEW IS SOUGHT.

(B) THE PARTY SEEKING EXTRAORDINARY REVIEW IS THE MOVANT. ALL OTHER PARTIES TO EXTRAORDINARY REVIEW ARE RESPONDENTS.

(C) AFTER A MOTION FOR EXTRAORDINARY REVIEW IS FILED

UNDER THIS SECTION, A PARTY OR THE DIRECTOR MAY FILE A CROSS-MOTION FOR EXTRAORDINARY REVIEW WITHIN SEVEN DAYS AFTER SERVICE OF THE MOTION FOR EXTRAORDINARY REVIEW. A CROSS-MOTION FOR EXPEDITED APPEAL MAY NOT BE FILED.

AUTHORITY: AS 23.30.008 AS 23.30.127 AS 23.30.128
 AS 23.30.125]

8 AAC 57.074 is repealed.

8 AAC 57.074. Motions and consideration of extraordinary review. Repealed.
(Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; repealed __/__/____, Register
____) [(A) A MOTION OR CROSS-MOTION FOR EXTRAORDINARY REVIEW
MAY NOT EXCEED 15 PAGES IN LENGTH, EXCLUSIVE OF APPENDICES, AND
MUST INCLUDE

(1) THE NAME, CURRENT MAILING ADDRESS, AND TELEPHONE
AND FACSIMILE NUMBERS OF THE PARTY FILING THE MOTION;

(2) THE NAMES, CURRENT MAILING ADDRESSES, AND
TELEPHONE AND FACSIMILE NUMBERS OF COUNSEL, IF THE OTHER
PARTIES ARE REPRESENTED BY COUNSEL;

(3) A COPY OF THE ORDER OR DECISION FROM WHICH REVIEW
IS SOUGHT, OR A STATEMENT OF THE SUBSTANCE OF THE ORDER OR
DECISION, IF IT WAS RENDERED ORALLY;

(4) A STATEMENT OF FACTS NECESSARY TO AN UNDERSTANDING OF THE QUESTION DETERMINED BY THE ORDER OR DECISION OF THE BOARD;

(5) A STATEMENT OF THE ISSUE SOUGHT TO BE REVIEWED;

(6) REASONS WHY REVIEW SHOULD NOT BE POSTPONED UNTIL APPEAL MAY BE TAKEN FROM A FINAL DECISION OR ORDER;

(7) REASONS WHY THE BOARD'S DECISION OR ORDER IS ALLEGED TO BE ERRONEOUS;

(8) A STATEMENT OF THE PRECISE RELIEF SOUGHT, AND ANY REASONS WHY THE COMMISSION SHOULD EXPEDITE CONSIDERATION OF THE MOTION; AND

(9) PROOF OF SERVICE ON THE BOARD AND ALL PARTIES TO THE ACTION BEFORE THE BOARD WHEN THE ORDER OR DECISION WAS ENTERED.

(B) WITHIN SEVEN DAYS AFTER SERVICE OF THE MOTION OR CROSS-MOTION FOR EXTRAORDINARY REVIEW UNDER THIS SECTION, A PARTY MAY FILE AN OPPOSITION, NOT EXCEEDING 15 PAGES IN LENGTH, EXCLUSIVE OF APPENDICES. THE OPPOSITION MUST INCLUDE

(1) OBJECTIONS TO THE COMMISSION'S EXERCISE OF DISCRETIONARY POWER TO CONSIDER THE MOTION; AND

(2) PROOF OF SERVICE ON ALL PARTIES TO THE BOARD PROCEEDING WHEN THE ORDER OR DECISION OR ORDER WAS ISSUED.

(C) THE MOVANT OR CROSS-MOVANT FOR AN EXTRAORDINARY REVIEW UNDER 8 AAC 57.072 — 8 AAC 57.076 MAY NOT FILE A REPLY TO AN OPPOSITION FILED UNDER (B) OF THIS SECTION, UNLESS ORDERED BY THE COMMISSION.

(D) UPON THE FILING OF A MOTION FOR EXTRAORDINARY REVIEW, THE COMMISSION WILL PROMPTLY NOTIFY THE BOARD OFFICE ISSUING THE BOARD PANEL ORDER OR DECISION SOUGHT TO BE REVIEWED. IN THE NOTICE, THE COMMISSION WILL INCLUDE

(1) THE DATE AND IDENTITY OF THE ORDER OR DECISION SOUGHT TO BE REVIEWED;

(2) THE NAME, CURRENT MAILING ADDRESS, AND TELEPHONE NUMBER OF THE PARTY FILING THE MOTION; AND

(3) THE DOCKET NUMBER THAT THE COMMISSION HAS ASSIGNED TO THE MOTION.

(E) A MOTION, OPPOSITION OR REPLY FILED UNDER THIS SECTION MUST BE PREPARED IN ACCORDANCE WITH 8 AAC 57.210. IN ADDITION, EACH ATTACHMENT MUST BE LISTED IN AN INDEX SUBMITTED WITH THE ATTACHMENTS.

AUTHORITY: AS 23.30.008 AS 23.30.127 AS 23.30.128
 AS 23.30.125]

8 AAC 57.076 is repealed.

8 AAC 57.076. Commission consideration of motions for extraordinary review. Repealed. (Eff. 12/5/2005, Register 176); repealed __/__/____, Register ____)
[(A) THE COMMISSION WILL CONSIDER AND DECIDE A MOTION UNDER THIS SECTION AS SOON AS PRACTICABLE. THE COMMISSION WILL GRANT A MOTION FOR EXTRAORDINARY REVIEW IF THE COMMISSION FINDS THE SOUND POLICY FAVORING APPEALS FROM FINAL ORDERS OR DECISIONS IS OUTWEIGHED BECAUSE

(1) POSTPONEMENT OF REVIEW UNTIL APPEAL MAY BE TAKEN FROM A FINAL DECISION WILL RESULT IN INJUSTICE AND UNNECESSARY DELAY, SIGNIFICANT EXPENSE, OR UNDUE HARDSHIP;

(2) AN IMMEDIATE REVIEW OF THE ORDER OR DECISION MAY MATERIALLY ADVANCE THE ULTIMATE TERMINATION OF THE LITIGATION, AND

(A) THE ORDER OR DECISION INVOLVES AN IMPORTANT QUESTION OF LAW ON WHICH THERE IS SUBSTANTIAL GROUND FOR DIFFERENCE OF OPINION; OR

(B) THE ORDER OR DECISION INVOLVES AN IMPORTANT QUESTION OF LAW ON WHICH BOARD PANELS HAVE ISSUED DIFFERING OPINIONS;

(3) THE BOARD HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF THE BOARD'S PROCEEDINGS AND REGULATIONS,

OR SO FAR DEPARTED FROM THE REQUIREMENTS OF DUE PROCESS, AS TO
CALL FOR THE COMMISSION'S POWER OF REVIEW; OR

(4) THE ISSUE IS ONE THAT OTHERWISE WOULD LIKELY
EVADE REVIEW, AND AN IMMEDIATE DECISION BY THE COMMISSION IS
NEEDED FOR THE GUIDANCE OF THE BOARD.

(B) THE COMMISSION WILL PROMPTLY NOTIFY THE BOARD OF THE
ACTION TAKEN ON A MOTION FILED UNDER 8 AAC 57.072 — 8 AAC 57.076
AND FURNISH A COPY OF ANY COMMISSION ORDER DENYING OR
GRANTING AN EXTRAORDINARY REVIEW TO THE OFFICE OF THE BOARD
PANEL INVOLVED. A MOTION FOR REHEARING OF THE DENIAL OF A
MOTION FOR EXTRAORDINARY REVIEW MAY NOT BE FILED.

AUTHORITY: AS 23.30.008 AS 23.30.127 AS 23.30.128
 AS 23.30.125]

8 AAC 57.080 is repealed and readopted to read:

8 AAC 57.080. Panel to hear an appeal. (a) On the filing of a notice of appeal,
the chair shall issue a written notice to the parties identifying the members of the panel
assigned to hear an appeal.

(b) Unless the commission is hearing a request for reconsideration, as provided in
AS 23.30.128(f), the chair may assign, temporarily or permanently, another member of
the commission to fill a vacancy on a panel assigned to hear an appeal if a member is
unable to serve on the panel, because of absence or illness, or for some other reason. The

member assigned to fill a panel vacancy shall meet the requirements for panel composition, as provided in AS 23.30.007 and 23.30.128. The chair shall issue a written notice to the parties identifying the member assigned to fill a panel vacancy.

(c) Within seven days of receipt of a notice under (a) or (b) of this section, any party may file a motion to remove and replace a member of the panel for any reason provided in AS 23.30.007(l). Members of the panel assigned to that appeal who are not the subject of the motion shall decide the motion. (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; am __/__/____, Register ____)

Authority: AS 23.30.007 AS 23.30.008 AS 23.30.128

8 AAC 57.090 is repealed and readopted to read:

8 AAC 57.090. Requests for exemption from payment of filing fee or transcript costs. (a) At the same time the notice of appeal is filed, the appellant may request an exemption from payment of the filing fee or transcript costs by filing a motion and the current edition of the commission's *Financial Statement Affidavit*, adopted by reference.

(b) Within 10 days of service of a motion for an exemption, any other party may file an opposition to the motion.

(c) The commission may order, with or without a hearing, the exemption of the appellant from full or partial payment of

(1) the filing fee, as provided in 8 AAC 57.070(d)(1); or

(2) the costs of preparation of the transcript of board hearings that the board has not already had transcribed, as provided in 8 AAC 57.120.

(d) The commission may order, with or without a hearing, cross-appellants or intervenors to share in payment of the costs under (c)(2) of this section, as provided in AS 23.30.127(d).

(e) At the conclusion of an appeal, with or without a hearing and with or without a motion for an award of costs by a successful party that was found fully or partially exempt from payment of costs, the commission may order payment of costs to the commission by the unsuccessful party to the extent necessary to reimburse the commission for the costs it paid. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128

Editor's note: The current edition of the Workers' Compensation Appeals Commission *Financial Statement Affidavit*, adopted by reference in 8 AAC 57.090, may be obtained from the commission's office, located at 1016 W. 6th Ave., Suite 405, Anchorage, Alaska 99501 or through the commission's website at: www.labor.alaska.gov/WCcomm/home.htm.

8 AAC 57.100 is repealed and readopted to read:

8 AAC 57.100. Applications for stay of compensation order payments. (a) In an appeal, the appellant may apply for a stay of payments under a compensation order by

filing a motion that includes the appropriate showing of the grounds for a stay, as provided in AS 23.30.125(c) or in (e) of this section.

(b) Within 10 days of service of a motion for a stay, any other party may file an opposition to the motion.

(c) On the expiration of the time period under (b) of this section, the chair shall issue a written notice to the parties of the hearing on the motion, providing not less than three days' notice of the hearing, as provided in AS 23.30.125(c).

(d) To stay continuing future periodic compensation payments, the appellant shall also demonstrate by affidavit or other evidence

(1) the financial irresponsibility of the compensation recipient or the inability of the appellant to fully recover the compensation paid; and

(2) the existence of the probability that the merits of the appeal will be decided adversely to the compensation recipient.

(e) To stay lump sum payments, the appellant shall also demonstrate by affidavit or other evidence the existence of serious and substantial questions going to the merits of the case.

(f) The commission shall rule on applications for a stay. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128
AS 23.30.125

8 AAC 57.110 is repealed and readopted to read:

8 AAC 57.110. Record on appeal. (a) The record on appeal consists of

(1) the recordings of board hearings not previously transcribed by the board; and

(2) the entire board file, including all original papers, exhibits, depositions, and transcripts of board hearings previously transcribed by the board.

(b) Within 15 days of receipt of notice of an appeal from the commission clerk, the board's appeals clerk shall transfer to the commission clerk

(1) the recordings of board hearings under (a)(1) of this section; and

(2) a list of board hearings previously transcribed by the board.

(c) Within 45 days of receipt of notice of an appeal from the commission clerk, the board's appeals clerk shall transfer the entire board file under (a)(2) of this section to the commission clerk.

(d) In connection with the transfer of the record on appeal under this section, the board's appeals clerk shall

(1) number the pages of the entire board file under (a)(2) of this section in a single sequence; and

(2) certify that the record is complete. (Eff. 12/5/2005, Register 176; am ___/___/___, Register ___)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.120 is repealed and readopted to read:

8 AAC 57.120. Transcript. (a) Within five days of receipt of the recordings of board hearings and the list of board hearings previously transcribed by the board, as provided in 8 AAC 57.110(b), the commission clerk shall issue a written notice to the parties that identifies which recordings of board hearings have been transcribed and which recordings have not been transcribed.

(b) Within five days of receipt of the notice under (a) of this section, the appellant shall file a designation for transcription of all portions of board hearings not previously transcribed by the board that are essential to consideration of the issues on appeal.

(c) Within 10 days of service of the appellant's designation under (b) of this section, any other party may file a designation for transcription of portions of board hearings not previously transcribed by the board and not designated by the appellant that are essential to consideration of the issues on appeal.

(d) The appellant shall coordinate with the commission clerk the selection of a transcriptionist and the preparation of a transcript of all portions of board hearings designated by the parties and not previously transcribed by the board.

(e) The commission clerk shall provide to the transcriptionist

(1) copies of the recordings of board hearings not previously transcribed by the board;

(2) copies of the parties' designations;

(3) a copy of any other relevant document; and

(4) as soon as it is available, the last page number assigned to the entire board file, as provided in 8 AAC 57.110(d)(1).

(f) The commission clerk shall issue a written notice to the parties of the date the transcript is due to be completed.

(g) The transcriptionist shall complete the preparation of the transcript within 15 days of receipt by the transcriptionist of the documents or information specified under (e)(1) – (4) of this section. If the transcriptionist is unable to complete the transcript within the 15-day period, the transcriptionist shall notify the commission clerk, in which event an extension of time to complete the transcript may be ordered by the chair.

(h) The transcriptionist shall number the pages of the transcript consistently with the board's appeals clerk's numbering of the entire board file, as provided in 8 AAC 57.110(d)(1), beginning with the next number.

(i) On completion of the transcript, including the numbering of the transcript under (h) of this section, the transcriptionist shall provide to the commission the original and one copy of the transcript. The commission may request an electronic version of the transcript.

(j) Unless otherwise ordered by the commission, the appellant shall pay the costs of preparing the original transcript, a copy of the transcript to be filed with the commission, and the appellant's copy. The other parties shall pay the costs of their copies of the transcript.

(k) If any party designates portions of the recordings of board hearings for transcription that are not essential to consideration of the issues on appeal, the chair may order that party to pay the cost of transcribing those portions of the recordings.

(l) The transcriptionist shall prepare the transcript in the form and format prescribed in the current edition of the Alaska Court System's *Manual of Transcript Procedures*, in effect at the time of filing the notice of appeal and adopted by reference.

(Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127

Editor's note: The current edition of the Alaska Court System's *Manual of Transcript Procedures*, adopted by reference in 8 AAC 57.120, is available from the Alaska Court System website, at <http://www.courts.alaska.gov/trialcts.htm#trans>, from the Alaska Court System, Customer Service, located at 825 West 4th Avenue, Anchorage Alaska 99501-2004, telephone number: (907) 264-0450, or from the commission's office, located at 1016 W. 6th Ave., Suite 405, Anchorage, Alaska 99501; telephone number (907) 269-6738.

8 AAC 57.130 is repealed and readopted to read:

8 AAC 57.130. Briefing schedule. (a) On receipt of both the record on appeal, as provided in 8 AAC 57.110, and the transcript, as provided in 8 AAC 57.120(i), the chair shall issue a written notice to the parties of the briefing schedule.

(b) The appellant's brief must be filed within 30 days of receipt of the notice issued under (a) of this section.

(c) Appellees' briefs must be filed within 30 days of service of the appellant's brief.

(d) The appellant may file a reply brief within 20 days of service of the appellees' briefs.

(e) In the event of a cross-appeal, an appellee/cross-appellant shall file a single brief that satisfies the requirements provided in 8 AAC 57.150(g)(1). An appellee/cross-appellant shall file the single brief within 30 days of service of the appellant's brief.

(f) In the event of a cross-appeal, the appellant/cross-appellee shall file a single reply brief that satisfies the requirements provided in 8 AAC 57.150(h)(1). The appellant/cross-appellee shall file the reply brief within 30 days of service of an appellee/cross-appellant's brief.

(g) On or before the date a party's brief is due, the party shall file with the commission

(1) the original plus three copies of the brief;

(2) the original plus three doubled-sided copies of the excerpt of record or supplemental excerpt of record for that brief, as provided in 8 AAC 57.170; and

(3) proof of service on each party, as provided in 8 AAC 57.040(g), of one copy of the brief and one copy of the excerpt of record or supplemental excerpt of record.

(Eff. 12/5/2005, Register 176; am __/__/__, Register __)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.140 is repealed and readopted to read:

8 AAC 57.140. Motions for extensions of time. (a) When, in this chapter, an act is to be done within a specified time period, each party may request one routine extension of time per appeal by filing a motion before the expiration of that time period.

(b) Oppositions to motions for routine extensions of time under (a) of this section are not permitted.

(c) Except as provided under (h) of this section, the chair may order a routine extension of time not to exceed 10 days.

(d) When, in this chapter, an act is to be done within a specified time period,

(1) on motion of a party showing good cause filed before the expiration of that time period, except as provided under (h) of this section, the chair may order an extension of time not to exceed 30 days; or

(2) on motion of a party showing good cause filed after the expiration of that time period, except as provided under (h) of this section, the chair may order an extension of time not to exceed 20 days.

(e) A showing of good cause, for purposes of a motion for an extension of time under (d) of this section, requires the moving party to demonstrate diligence and substantial need. A representation that the press of business gives rise to the need for an extension of time does not constitute a demonstration of diligence and substantial need.

(f) A motion for an extension of time under (d) of this section must state

- (1) whether the motion is unopposed;
- (2) when the document was or is due;
- (3) the number and length of previous extensions requested;

(4) the length of the requested extension; and

(5) the reasons an extension is necessary.

(g) Within five days of service of a motion for an extension of time under (d) of this section, any other party may file an opposition to the motion.

(h) The commission shall rule on a motion for an extension of time to file a notice of appeal. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128

8 AAC 57.150 is repealed and readopted to read:

8 AAC 57.150. Content and form of briefs and memoranda. (a) Briefs and memoranda must

(1) be in clear and legible black typeface or hand printing in black ink;

(2) be in 12 or 13 point font size;

(3) be double-spaced;

(4) contain no more than 6-1/2 x 9-1/2 inches of printed or written matter on a page, and footers and footnotes may be single spaced and typed in a smaller font, but not smaller than 10 point;

(5) if longer than one page, have pages numbered consecutively; and

(6) provide proof of service on the other parties.

(b) The first page of briefs and memoranda must contain

(1) the name, current mailing address, and telephone number of the party filing the document;

(2) the commission case number and board claim number; and

(3) the title of the document.

(c) Unless otherwise provided in this chapter or by order of the chair or commission, memoranda in support of or in opposition to a motion are limited to 15 pages. Reply memoranda are not permitted.

(d) The appellant's brief is limited to 50 pages and must include

(1) a statement of the issues presented for review;

(2) a statement of the facts;

(3) a brief description of the proceedings before the board;

(4) a statement of the applicable standard of review;

(5) a section discussing the appellant's arguments on the issues presented;

(6) a short conclusion stating the precise relief sought; and

(7) references to documents in the appellant's excerpt of record that

support each factual assertion in the appellant's brief.

(e) Each appellee's brief is limited to 50 pages and must include

(1) a section discussing that appellee's arguments on the issues presented;

(2) a section addressing any of the subjects or requirements under (d) of this section if that appellee is dissatisfied with the appellant's statements in those respects; and

(3) references to documents in that appellee's excerpt of record that support each factual assertion in that appellee's brief.

(f) The appellant's reply brief is limited to 20 pages and must include references to documents in the appellant's excerpt of record or supplemental excerpt of record that support each factual assertion in the appellant's reply brief.

(g) In the event of a cross-appeal, an appellee/cross-appellant's brief is limited to 50 pages and must include

(1) a section discussing that appellee/cross-appellant's claims of error and the claims of error raised in the original appellant's brief; and

(2) references to documents in that appellee/cross-appellant's excerpt of record that support each factual assertion in the brief.

(h) In the event of a cross-appeal, the appellant/cross-appellee's reply brief is limited to 30 pages and must include

(1) a section discussing both the claims of error in an appellee/cross-appellant's brief and the claims of error in the original appellant's brief; and

(2) references to documents in the appellant/cross-appellee's excerpt of record or supplemental excerpt of record that support each factual assertion in the reply brief.

(i) References in briefing under (d)(7), (e)(3), (f), (g)(2), and (h)(2) of this section to documents in the parties' excerpts of record or supplemental excerpt of record must contain the respective excerpt of record or supplemental excerpt of record page number for each document, as provided in 8 AAC 57.180(d)(1).

(j) The chair may reject a party's brief, memorandum, or other document filed with the commission if it fails to conform to the requirements in AS 23.30.125 –

23.30.128 or the requirements in this chapter. In that event, the chair shall issue a written notice to the party that specifies the nature of the failure and states that the appeal may be dismissed or the party may be prohibited from further participation in the appeal if the party fails to take appropriate corrective action within 20 days of receipt of the notice.

(Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128

8 AAC 57.160 is repealed and readopted to read:

8 AAC 57.160. Amicus brief. (a) A non-party may request permission to file an amicus brief by filing a motion.

(b) On a motion under (a) of this section, the non-party shall identify its interest in the appeal and state the reasons why an amicus brief is desirable.

(c) Within 10 days of service of a motion under (a) of this section, any party may file an opposition to the motion.

(d) The chair shall decide a motion under (a) of this section. If permission to file an amicus brief is granted, it must be filed as ordered by the chair. (Eff. 12/5/2005,

Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128

8 AAC 57.170 is repealed and readopted to read:

8 AAC 57.170. Preparation of excerpts of record. Parties shall prepare excerpts of record or supplemental excerpt of record, as provided in 8 AAC 57.180, for

simultaneously filing with their briefs, as provided in 8 AAC 57.130(g)(2). (Eff.

12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.180 is repealed and readopted to read:

8 AAC 57.180. Contents of excerpts of record. (a) The appellant's or appellant/cross-appellee's excerpt of record must include the following:

- (1) the claim, accusation, answer, or petition setting forth the issues to be decided;
 - (2) the order or decision of the board from which the appeal is taken;
 - (3) other decisions or orders of the board for which review is sought;
 - (4) if the appellant or appellant/cross-appellee is challenging the admission or exclusion of evidence or other oral ruling or order, a copy of the pages of the transcript at which the evidence, ruling, or order, the relevant discussion by the board, and any necessary objection are recorded; and
 - (5) documents referenced in the appellant's or appellant/cross-appellee's brief that support each factual assertion of the appellant or appellant/cross-appellee.
- (b) An appellee's or appellee/cross-appellant's excerpt of record must include documents referenced in that appellee or appellee/cross-appellant's brief that support each factual assertion of that appellee or appellee/cross-appellant and are not included in the appellant's or appellant/cross-appellee's excerpt of record under (a)(5) of this section.

(c) The appellant/cross-appellee may file a supplemental excerpt of record with the appellant/cross-appellee's reply brief.

(d) The documents in a party's excerpt of record or the appellant/cross-appellee's supplemental excerpt of record must

(1) be numbered consecutively and arranged in numerical order;

(2) be referenced in a table of contents that includes a brief description of each document, the date of the document, and the number of the first page of each document, as provided in (d)(1) of this section; and

(3) be bound separately from the party's brief. (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127

8 AAC 57.190 is repealed and readopted to read:

8 AAC 57.190. Evidence. (a) The introduction of new or additional evidence is not permitted in an appeal, except as provided in AS 23.30.128(a) and (c).

(b) If new or additional evidence is permitted, the Alaska Rules of Evidence do not necessarily apply, except that rules of privilege apply to the same extent that they apply in the Alaska Court System.

(c) The chair may

(1) refuse to admit evidence that is unduly repetitious or likely to arouse prejudice or passion unrelated to the matter in issue; or

(2) exclude any documentary, testimonial, or physical evidence that was not disclosed in advance of filing to all parties, unless the failure to disclose was due to surprise, newly-discovered evidence that could not have been disclosed sooner through the exercise of due diligence, or the misconduct of a party.

(d) If new or additional evidence is permitted, oral evidence may be taken only on oath or affirmation. The commission clerk may administer oaths or affirmations. (Eff.

12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 27.30.125 AS 23.30.128

8 AAC 57.200 is repealed and readopted to read:

8 AAC 57.200. Oral argument. (a) Within 10 days of the date on which the last brief in an appeal is filed or due to be filed, any party may request oral argument by filing a motion stating the reasons oral argument is necessary.

(b) Oppositions to motions requesting oral argument are not permitted.

(c) The chair shall decide a motion under (a) of this section.

(d) If oral argument is ordered, the chair shall issue a written notice to the parties of the date, time, and place of oral argument.

(e) Unless otherwise ordered by the chair, the time permitted for oral argument is 30 minutes per side.

(f) Parties or their attorneys may participate in oral argument telephonically by filing a notice that includes the telephone number at which each party or attorney may be contacted at the time of oral argument. The chair may order one or more parties to pay

all or a portion of the cost of any telephone charges associated with telephonic participation in oral argument. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128
AS 23.30.009

8 AAC 57.210 is repealed and readopted to read:

8 AAC 57.210. Motions and stipulations. (a) A party or parties may request or apply for specific action by the chair or commission relating to an appeal by filing

- (1) a motion;
- (2) an unopposed or joint motion; or
- (3) a stipulation signed by the parties.

(b) Unless, in this chapter, a different time period is specified for oppositions or oppositions are not permitted, within 10 days of service of a motion under (a)(1) of this section, any other party may file an opposition to the motion.

(c) Memoranda in support of or in opposition to a motion, including requests for exemption, as provided in 8 AAC 57.090, applications for stay, as provided in 8 AAC 57.100, and motions for attorney fees and costs, as provided in 8 AAC.57.260, must conform to the requirements for memoranda, as provided in 8 AAC 57.150(a) – (c), and also include

- (1) a brief, complete statement of the reasons in support of or in opposition to the motion;

- (2) an affidavit if the facts relating to the motion are not otherwise proven;
- (3) the points and authorities on which the moving party relies; and
- (4) a concise statement of the relief sought.

(d) Except as otherwise provided in this chapter, the chair may rule on procedural motions. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.009 AS 23.30.127
AS 23.30.128

8 AAC 57.220 is amended to read:

8 AAC 57.220. Final commission decision. The commission shall [WILL] issue a final decision, as provided in AS 23.30.128. In a final decision, the commission shall [WILL] include a statement that, if a party seeks review by the supreme court, a notice of appeal to the supreme court must be filed within 30 days of [AFTER] the date shown in the commission's notice of distribution of the final decision. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.128

8 AAC 57.230 is repealed and readopted to read:

8 AAC 57.230. Reconsideration. (a) A party may request reconsideration of a final commission decision by filing a motion, supported by an affidavit or other evidence of the specific grounds for reconsideration, as provided in AS 23.30.128(f).

(b) Oppositions to requests for reconsideration are not permitted unless requested by the chair. (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.128

8 AAC 57 is amended by adding a new section to read

8 AAC 57.235. Commission clerk. (a) The commission clerk shall not permit any original record of the commission, on paper or electronic media, to be removed from the commission's office, except as required by order of the chair or this chapter. The commission clerk shall maintain the record on appeal transferred from the board in the commission office during the pendency of the appeal, unless the chair orders the record on appeal to be returned to the board for

- (1) consideration of a settlement or other action that may moot the appeal;
- (2) not more than 20 days to permit a party to the appeal to consult the record in Fairbanks or Juneau; or
- (3) other reasons to advance the prompt, fair, and orderly disposition of the appeal.

(b) Unless otherwise ordered by the chair, the commission clerk shall return the record on appeal intact to the board within 45 days of the commission's final disposition of the appeal. If a party appeals the commission's decision to the supreme court, the commission clerk shall assemble the board's record on appeal and the commission's record on appeal, and transfer the complete, combined records to the clerk of the appellate courts.

(c) On the filing of an appeal, the commission clerk shall request the board's appeals clerk to timely transfer

(1) the recordings of board hearings not previously transcribed by the board; and

(2) the entire board file, including all original papers, exhibits, depositions, and transcripts of board hearings previously transcribed by the board.

(d) The commission clerk shall prepare and issue to all parties and the board's appeals clerk a written docket notice stating the caption and number assigned to the appeal and a description of the documents filed with the notice of appeal.

(e) The commission clerk shall coordinate with the appellant and the transcriptionist the preparation of a transcript of board hearings designated by the parties and not previously transcribed by the board, as provided in 8 AAC 57.120.

(f) The commission clerk shall publish all final or memorandum decisions of the commission and all other orders that the chair or commission shall require to be published. The commission clerk shall certify that the published decision or order is the full text of the decision or order issued by the commission, noting if changes in format were made for publication or minor typographical or grammatical errors were corrected.

(g) The commission clerk shall preserve copies of the recordings of commission hearings and make copies of the recordings as requested by a party or to comply with AS 40.25.100 – 40.25.295. (Eff. ____/____/____, Register _____)

Authority: AS 23.30.008 AS 23.30.009

8 AAC 57.240 is repealed and readopted to read:

- 8 AAC 57.240. Dismissal of appeals.** (a) The chair may issue an order dismissing an appeal on a stipulation signed by the parties that states
- (1) whether any fees and costs are owed to the commission;
 - (2) their agreement that the appeal be dismissed; and
 - (3) the terms for allocating payment of fees and costs between the parties,
- including any fees and costs owed to the commission and attorney fees and costs on appeal, as provided in AS 23.30.008(d).
- (b) The chair may issue an order dismissing an appeal on motion by any party that states
- (1) whether any fees and costs are owed to the commission;
 - (2) the reasons for dismissal; and
 - (3) any proposed terms for allocating payment of fees and costs between the parties, including any fees and costs owed to the commission.
- (c) Within 10 days of service of a motion under (b) of this section, any other party may file an opposition to the motion that may include different proposed terms for allocating fees and costs between the parties, including any fees and costs owed to the commission. (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.009

8 AAC 57.250 is repealed and readopted to read:

8 AAC 57.250. Dismissal of appeals for failure to prosecute or on settlement.

(a) If an appellant fails to comply with AS 23.30.125 - 23.30.128, fails to comply with this chapter, fails to pay the cost of preparing the transcript, as provided in 8 AAC 57.120(l), or fails to comply with an order of the chair or commission, the chair shall issue written notice to the appellant that specifies the nature of the failure and states that the appeal may be dismissed for failure to prosecute if the appellant fails to take appropriate corrective action within 20 days of receipt of the notice.

(b) If, under (a) of this section, the appellant fails to take appropriate corrective action, the chair may issue an order to the appellant to show good cause, in writing, why the appeal should not be dismissed.

(c) The commission may dismiss an appeal, with or without a hearing, on the failure of the appellant to show good cause under (b) of this section.

(d) Any appellee may request that an appeal be dismissed for failure to prosecute by filing a motion that states the grounds for requesting dismissal.

(e) Within 10 days of service of a motion for dismissal for failure to prosecute under (d) of this section, the appellant may file an opposition to the motion.

(f) Following the filing of a motion under (d) of this section and any opposition under (e) of this section, the commission may issue an order dismissing an appeal for failure to prosecute, with or without a hearing.

(g) On the filing of an unopposed or joint motion, or on a stipulation signed by the parties, the commission may issue an order dismissing an appeal on settlement, with or

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without a hearing, on condition that any fees or costs owed to the commission are paid.

(Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.009 AS 23.30.128

8 AAC 57.260 is repealed and readopted to read:

8 AAC 57.260. Motions for attorney fees and costs. (a) A party may request an award of attorney fees and costs on appeal by filing a motion within 10 days of the date shown in the commission's notice of distribution of the final decision.

(b) A request under (a) of this section for an award of attorney fees must include an affidavit of the party's attorney itemizing the services performed, the amount of time devoted to those services, and the amount sought.

(c) A request under (a) of this section for an award of costs must include an itemization of costs.

(d) Within 10 days of service of a motion for attorney fees and costs under (a) of this section, any other party may file an opposition to the motion.

(e) The commission may award attorney fees and costs to a successful party on appeal, with or without a hearing, as provided in AS 23.30.008(d). (Eff. 12/5/2005, Register 176; am __/__/____, Register ____)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128

8 AAC 57.270 is amended to read:

8 AAC 57.270. Relaxation of rules. (a) In [FOR] an appeal [UNDER THIS CHAPTER], the chair[, PANEL,] or commission may order time periods or procedures that differ from time periods or procedures specified in this chapter, if

- (1) strict adherence to time periods or procedures specified [ESTABLISHED] in this chapter would work injustice; and
- (2) the change would assist in facilitating the business of the commission or advance the prompt, fair, and just disposition of appeals.

(b) The chair shall issue written [MUST IMMEDIATELY GIVE] notice of any change ordered by the chair[, PANEL,] or commission under (a) of this section to the parties to any appeal affected by the change. (Eff. 12/5/2005, Register 176; am ___/___/___, Register ___)

Authority: AS 23.30.008 AS 23.30.127 AS 23.30.128
AS 23.30.009

8 AAC 57.990 is amended to read:

8 AAC 57.990. Definitions.

- (1) “board” has the meaning given in AS 23.30.395 [MEANS THE ALASKA WORKERS’ COMPENSATION BOARD];
- (2) “chair” means the executive officer of the commission, as provided in [BY] AS 23.30.007 and AS 23.30.009;
- (3) “commission” has the meaning given in AS 23.30.395 [MEANS THE WORKERS’ COMPENSATION APPEALS COMMISSION];

(4) “director” has the meaning given in AS 23.30.395;

(5) “legal holiday” has the meaning given in AS 44.12.010;

(6) “motion” means a formal request **or application by a party** for [A]

specific action **by** [MADE BY A PARTY TO] the chair or **commission relating to an appeal** [PANEL]

(A) orally, in the presence of all other parties; or

(B) in writing, served on all other parties;

(7) “panel” means the three-member panel of the commission as provided **in** [BY] AS 23.30.128. (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178; am ___/___/___, Register ___)

Authority:	AS 23.30.007	AS 23.30.125	AS 23.30.128
	AS 23.30.008	AS 23.30.127	AS 23.30.395
	AS 23.30.009		

8 AAC 57.990(5), (6), (10) and (11) are repealed:

(5) Repealed. [“DOCUMENT” MEANS A WRITTEN OR ELECTRONIC SOURCE OF RECORDED INFORMATION IN WHATEVER FORM, “DOCUMENT” INCLUDES

(A) [BOOKS, MAPS, AND PAPERS OF ALL TYPES; AND

(B) AUDIO, VIDEO, OR DIGITAL RECORDINGS;

(6) Repealed. [“FINANCIAL INTEREST” MEANS INVOLVEMENT IN OR OWNERSHIP OF A BUSINESS, INCLUDING PROPERTY OWNERSHIP, OR A

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PROFESSIONAL OR PRIVATE RELATIONSHIP, THAT IS A SOURCE OF
INCOME, OR FROM WHICH, A PERSON HAS RECEIVED OR EXPECTS TO
RECEIVE A FINANCIAL BENEFIT;

(10) Repealed. [“PERSON” HAS THE MEANING GIVEN IN
AS 01.10.060;]

(11) Repealed. [“PRO SE LITIGANT” MEANS, IN COMMISSION
PROCEEDINGS, A PARTY WHO ACTS WITHOUT THE ASSISTANCE OF LEGAL
COUNSEL.] (Eff. 12/5/2005, Register 176; am 4/21/2006, Register 178;
repealed __/__/____, Register ____)